

DOCKET SECTION

PRESIDING OFFICER'S
RULING NO. R97-1/66

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268

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OFFICE OF THE PRESIDING OFFICER

Postal Rate and Fee Changes

Docket No. R97-1

PRESIDING OFFICER'S RULING ON POPKIN'S MOTION TO COMPEL

(November 20, 1997)

On November 10, 1997, David Popkin, an intervenor, filed a Motion to Compel, (Motion) in this docket asking that Postal Service be compelled to answer several interrogatories. The Postal Service responded to this Motion on November 14, 1997 in its "Response of the United States Postal Service to David B. Popkin's Motion to Compel Responses to DBP/USPS Interrogatories," (Response).

DISCUSSION

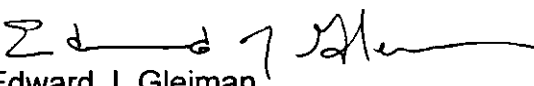
Mr. Popkin's Motion seeks to compel answers to interrogatories 6(k), 6(t)-(u), 7(l), (m), 8(e), 8(j)-(p), 19, 29(i)(6), 33(d), (e), 52(a), 52(m)-(p), 58, 59(h)-(l), 63, 67, 69-71 and 82. The Postal Service agreed to answer interrogatories (6(t)-(u), 7(l)-(m), 8(e), 8(j)-(p), 29(i)(6), 52(a), 52(m)-(p), 58, 59(h)-(l), and 67) in its response to Mr. Popkin's prior motion to compel. See Opposition of United States Postal Service to David B. Popkin's Motion to Compel Responses, filed October 14, 1997, at 9. And shortly after Mr. Popkin filed this Motion, the Postal Service answered 6(t)-(u), 7(l), (m), 8(e), (j)-(p), 52(a), 52(m)-(p), 58, 59(h)-(l) and 67. See Response of the United States Postal Service to Interrogatories of David Popkin, filed November 14, 1997.

Previous to Mr. Popkin filing this Motion, the Postal Service had already answered several of the interrogatories that are the subject of Mr. Popkin's Motion. The Postal Service answered interrogatory 19 on October 10, 1997, and witness Plunkett provided a response to 29(i)(6) on October 21, 1997. Interrogatories 33(d)-(e) were answered on September 29, 1997. Interrogatory 63 was answered on September 29, 1997 by witness Degen and witness Mayes answered interrogatory 82 on October 21, 1997.

In fact, the only unanswered interrogatories which Mr. Popkin asks that I compel responses to are 6(k) and 69-71. I earlier denied Mr. Popkin's motion to compel with respect to interrogatory 6(k). See Presiding Officer's Ruling No. R97-1/53 at 3. Mr. Popkin does not argue in his Motion that the interrogatory should be answered, so I see no reason to reconsider my earlier ruling. The Postal Service indicates that it is "working expeditiously" to answer interrogatories 69-71. Response at 1. Consequently, there is no need to compel responses.

RULING

The David B. Popkin Motion to Compel, filed November 10, 1997, is denied.


Edward J. Gleiman
Presiding Officer